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TO RUEHC/SECSTATE WASHDC PRIORITY 8434
INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
RUEHBY/AMEMBASSY CANBERRA 1654
RUEHNE/AMEMBASSY NEW DELHI 5142
RUEHUL/AMEMBASSY SEOUL 8734
RUEHKO/AMEMBASSY TOKYO 6306
RHHMUNA/CDR USPACOM HONOLULU HI
RUEHGV/USMISSION GENEVA 4150
RHEHNSC/NSC WASHDC
RUCNDT/USMISSION USUN NEW YORK 2130
RUEKJCS/SECDEF WASHDC
RUEHBS/USEU BRUSSELS
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000907

SIPDIS

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SUBJECT: BURMA: ZAGANAR, U GAMBIRA SENTENCED; NLD MARKS
NATIONAL DAY

Classified By: Pol/Econ Chief Jennifer Harhigh for Reasons 1.4 (b) & (d)
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SUMMARY

1. (C) Human rights contacts and detainee family members confirmed November 24 that Burmese comedian Zaganar and leader of the All-Burma Monks Alliance U Gambira were sentenced to prison terms of 45 years and 68 years, respectively. The regime has now convicted and sentenced over 100 activists to lengthy terms since November 7. Meanwhile, a solo protest occurred outside NLD headquarters as the party held a muted celebration of Burmese National Day November 22. End summary.

ZAGANAR SENTENCED TO 45 YEARS; MORE PUNISHMENT ON THE WAY

2. (C) On November 21, well-known Burmese comedian Zaganar (aka Thu Ra) was sentenced to 45 years in prison for violating the Electronic Transactions Law, which prohibits "using technology to the detriment of the security of the country," his sister-in-law confirmed. He was convicted of three identical counts of violating the Law, presumably in connection with three video CDs that authorities seized from his home at the time of his arrest, including Rambo IV, the wedding video of Than Shwe's daughter, and a video detailing the aftermath of Cyclone Nargis. He received the maximum allowable penalty of 15 years for all three counts.

3. (C) Zaganar, an active supporter of the September 2007 protests and an outspoken public critic of the regime's inept response to Cyclone Nargis, is due back in court November 27 to face additional charges, including violating provisions of the Penal Code (causing fear or alarm among the public, causing disgrace to the religious feelings of a class of people, etc.), and its sections known commonly as the Video Act (distribution of electronic materials), and the Unlawful Association Act.

U GAMBIRA GETS 68 YEARS

4. (C) Human Rights activist Maung Maung Lay confirmed November 24 that U Gambira, the leader of the All-Burma Monks

Alliance and a key figure in the September 2007 monk-led protests, was sentenced to 68 years' imprisonment on November 21. He had been arrested November 4, 2007. U Gambira was charged with violating 10 different elements of the Penal Code, including sections commonly referred to as the Emergency Provisions Act, the Unlawful Association Act, the Electronic Transactions Law, and the Printers and Publishers Registration Act -- for his role in the September 2007 protests and media interviews conducted later while in hiding. Maung Maung Lay said he expected U Gambira could face additional sentences in the coming days.

NUMBER CONVICTED SINCE NOVEMBER 7 TOPS 100

15. (C) Maung Maung Lay also reported that political prisoners Zaw Thet Htwe and Thant Zin each received 15 year prison terms, and Tin Maung Aye received 29 years, in connection with their support for the September protests and "unlawful" cyclone relief work. All were colleagues of Zaganar. They may receive additional sentences shortly. The convictions of these three bring our tally of political activists sentenced since November 7 to over 100.

SOLO PROTEST MARKS NLD NATIONAL DAY COMMEMORATION

16. (C) NLD Spokesman Nyan Win confirmed that on November 22, the NLD marked the 88th anniversary of Yangon University student protests against British colonial rule by holding a small event at NLD headquarters. Separately, Min Thein, a

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member of the 88 Generation Students (88GS) group, protested alone in front of the NLD headquarters with a sign that said, "Release Min Ko Naing and other political prisoners." He was noticed by plainclothes police but to our knowledge has not yet been arrested. Nyan Win noted that Min Thein regularly performs similar solo protests.

17. (C) 88GS leader Toe Kyaw Hlaing told us this year's NLD commemoration was more subdued than past events. He noted the NLD did not invite more outspoken political activists; rather, they held a low-key "talk show" type event in which two well-known writers gave speeches.

18. (SBU) Although the GOB does not officially commemorate National Day, security forces closed down the road in front of Aung San Suu Kyi's home on November 22, presumably as a precaution. The road has since been reopened. Meanwhile, Senior General Than Shwe's National Day message, in which he decries "neocolonialism" and touts the regime's seven-step Road Map, appeared in the government's New Light of Myanmar November 22.

COMMENT

19. (C) The lengthy sentences handed to Zaganar and U Gambira (with more potentially on the way), like previous convictions this month, highlight the lengths to which the regime will go in persecuting its perceived enemies. Our estimates of potential sentences, based on the charges made public, have been much too conservative; a more accurate technique may be to assume conviction and maximum sentences on all counts and add 20 years. The bottom line remains that all regime critics are accused, convicted, and sentenced without due process. It appears the regime is seeking to sweep clean the playing field for the planned 2010 elections before even promulgating political party registration and electoral laws. Activists are skittish, with some scaling back planned capacity-building efforts, others noting the difficulties of recruiting the next generation given the current circumstances, and some making plans to leave Burma.

DINGER